IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8254 OF 2005
IN
CRIMINAL APPEAL NO. -- OF 2005

Mrs.Vijaya Pravin Maheshwari ...Applicant
V/s.
Smt.Nutan Dilip Gulwani & Anr. ...Respondents

Ms.Smita Gaidhani for the Applicant.
Mrs.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : OCTOBER 8, 2007

P.C. :-

. The applicant is challenging the judgment and order passed by the Judicial Magistrate, First Class, Nashik, whereby the respondent has been acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act.

2. A complaint was filed by the applicant under Section 138 of the Negotiable Instruments Act. A cheque was issued allegedly by the husband of the respondent no.1 and the said cheque when it was deposited was dishonoured. The case of the complainant is that a friendly loan of Rs.50,000/- was given. The trial Court

has observed that the complainant had failed to establish that the cheque was issued by the accused. The accused had examined DW 1 Tendulkar who was an employee of the bank and who has stated in terms that the signature on the cheque was not that of the accused or her husband. That being the position, the trial Court was justified in acquitting the accused.

. No case is made out for grant of leave. Leave is refused. Appeal, therefore, is dismissed.

(V.M. KANADE, J.)